IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO.4905 of 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Mr.S.M. Oak, for the Petitioners
Mr. R.M. Patne, A.G.P. fr the
Respondent No.1.
Mr. M.V. Limaye i/b. Mr. R.S. Apte,
for Respondent No.2.

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.

DATED : 1st February, 2005
P.C.

. Rule. Heard forthwith. The issue which arises in this petition stands concluded in so far as this Court is concerned by the judgment of a Division Bench of this Court. That judgment is in Appeal before the Apex Court. No stay has been granted against the judgment. However, the parties who will be entitled to the benefit of the order were called upon to file undertaking before the Apex Court that in the event the Appeal is ultimately allowed they will demolish the structures. The petitioner is one such society.

2. On behalf of the petitioners their learned Counsel makes a statement

that they have already filed an undertaking and that the copy of the said undertaking has been served on the Advocate for the Respondent No.2. The Respondent No.2 to consider the said undertaking. The petitioner will be bound by the said undertaking. In the light of that the Respondent No.2 are directed to grant plinth certificate as prayed for in terms of prayer clause (b).

3. The petitioners to file a copy of the undertaking in the office of the respondent No.2. The Respondent No.2 on the copy of the undertaking filed and on being satisfied to issue N.O.C. plinth certificate as prayed for in terms of prayer clause (b).

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)